

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BILLY HENRY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-05-454-M
)	
MARTY SIRMONS, Warden,)	
)	
Respondent.)	

ORDER

On July 25, 2005, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended the Petition for Writ of Habeas Corpus be denied. The parties were advised of their right to object to the Report and Recommendation by August 15, 2005. On August 11, 2005, petitioner filed his objection.

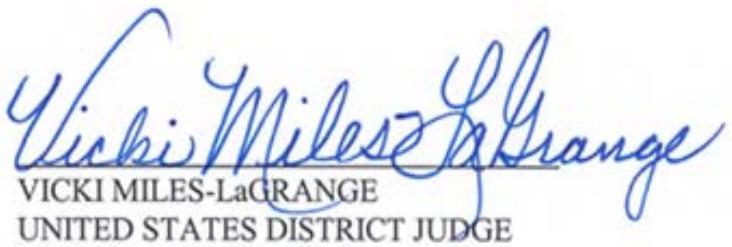
In his objection, petitioner asserts that the disciplinary officer's finding of guilt was not properly documented. Having carefully reviewed the disciplinary officer's finding, the Court finds that the officer's decision was adequately documented. In his objection, petitioner also asserts that the statements of Ms. Spaulding in the Misconduct Report and Incident Report are not some evidence of guilt. Having carefully reviewed this matter *de novo*, the Court finds, for the reasons set forth in the Report and Recommendation, that Ms. Spaulding's statements are some evidence of guilt.

Accordingly, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on July 25, 2005;
- (2) DENIES petitioner's petition for a writ of habeas corpus, and

(3) ORDERS that judgment in favor of respondent issue forthwith.

IT IS SO ORDERED this 17th day of August, 2005.



A handwritten signature in blue ink that reads "Vicki Miles-LaGrange". Below the signature, the name is printed in a smaller, sans-serif font: "VICKI MILES-LaGRANGE" on the first line and "UNITED STATES DISTRICT JUDGE" on the second line.